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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BECKY ELLEN SUTHERLAND,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 11-5057 BHS-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for
15 remand. (ECF #18). After reviewing the parties' stipulated motion and the remaining record, the
16 undersigned recommends that the Court grant the parties' motion, and remand this matter to the
17 Commissioner for further proceedings.

18 This Court recommends that on remand the ALJ will (1) update the treatment evidence
19 on Plaintiff's medical condition; (2) expressly evaluate the examining medical source opinion
20 from Dr. Yo Kondo and explain the reasons for the weight he gives to this opinion; (3) further
21 consider Plaintiff's residual functional capacity on the updated record, citing specific evidence in
22 support of the assessed limitations; (4) further consider whether Plaintiff has past relevant work
23 she could perform with the limitations established by the evidence; and (5) as appropriate, secure
24 supplemental evidence from a vocational expert to clarify the effect of the assessed limitations
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REPORT AND RECOMMENDATION - 1

on Plaintiff's occupational base. The ALJ will make a de novo determination as to disability, and issue a new decision. Upon proper application, Plaintiff shall be eligible for attorneys' fees under the Equal Access to Justice Act, 24 U.S.C. § 2412 et seq.

Given the fact of the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED**. A proposed order accompanies this Report and Recommendation.

DATED this 10th day of May, 2012.


Karen L. Strombom
United States Magistrate Judge